

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CIVIL NO. 3:07CV210  
(3:01CR90)

JULIA POWELL,	)	
	)	
Petitioner,	)	
	)	
Vs.	)	<u>ORDER OF DISMISSAL</u>
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	
_____	)	

**THIS MATTER** is before the Court on Petitioner's motion to defer restitution payments.

Pursuant to recent Fourth Circuit decisions, the Petitioner's motion shall be construed as a habeas corpus petition under 28 U.S.C. § 2241. ***See Hudson v. United States*, 2007 WL 901591 (4<sup>th</sup> Cir. 2007); *Gripper v. United States*, 2007 WL 1115953 (4<sup>th</sup> Cir. 2007).** Construed as such, it is incumbent on this Court to make a determination whether to transfer the action to the district court of Petitioner's confinement or dismiss the action without prejudice to the Petitioner to refile same in the appropriate district court. ***Id.*** The Court, therefore, finds that the interests of justice would

best be served by dismissing this action without prejudice and permitting the Petitioner to refile same in the appropriate district court.

**IT IS, THEREFORE, ORDERED** that this action is hereby  
**DISMISSED WITHOUT PREJUDICE.**

Signed: May 23, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

